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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,532	11/29/2006	Rodney Arthur Hilditch	132-06	6973

23713 7590 10/15/2008

GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

EXAMINER	
MEYER, KATY E	

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
10/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,532	HILDITCH, RODNEY ARTHUR	
	Examiner	Art Unit	
	Katy Meyer	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *2,3,17 and 18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-16,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/10/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1 – 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 6 – 9, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 4,203,609) in view of Samuel (US 421,840).

Mitchell et al. disclose a dolly (10) having a surface on which a load can be carried and having wheels providing for its movement over a support surface. Mitchell et al. do not disclose the claimed wheels and corrugated surface. Samuel teaches wheels (G) having an external peripheral surface comprising a plurality of rectangular spaced projections and recesses therebetween (see h). The projections are able to enter troughs (X) defined between ridges of a corrugated support surface (A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the dolly disclosed by Mitchell et al. with the wheels taught by Samuel to improve the traction of the wheels on the support surface.

Samuel further disclose a wheel wherein the width of each wheel is greater than the spacing between the ridges of the corrugated surface (see Fig. 4).

Mitchell et al. further disclose a dolly wherein the load body is made of plastics material (column 3, line 17); the wheels are partially accommodated in recesses (see Fig. 7) and are rigidly supported (see 48); coupling means enable a number of dollies to be connected together (column 1, lines 8 – 11); and the wheels are carried by a chassis (15, see Fig. 2).

Mitchell et al. further disclose a method wherein the dolly is loaded and placed on another vehicle (see column 1, lines 17 – 19).

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 4,203,609) in view of Samuel (US 421,840) as applied to claim 1 above, and further in view of Thorne (US 6,046,565).

Mitchell et al. and Samuel meet all the limitations of the claimed invention, but do not disclose wheels made of polymeric materials. Thorne discloses a dolly comprising wheels made of polymeric materials (see column 5, lines 50 – 56). It has been held to be within in the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Thorne further discloses a radio transponder (see column 6, lines 64 – 67).

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kern et al. (US 5,556,118) in view of Samuel (US 421,840).

Kern et al. disclose a dolly (Fig. 1) on which a load can be carried (see Fig. 2). Kern et al. do not disclose the claimed wheels. Samuel teaches wheels (G) having an external peripheral surface comprising a plurality of rectangular spaced projections and

recesses therebetween (see h). The projections are able to enter troughs (X) defined between ridges of a corrugated support surface (A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the dolly disclosed by Kern et al. with the wheels taught by Samuel to improve the traction of the wheels on the support surface.

Kern et al. further disclose two wheels (104) which are pivotable about respective castor axes and two wheels (127) which are not pivotable in such a manner.

Claims 1, 13 – 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 5,556,118) in view of Samuel (US 421,840) and Saxton et al. (US 5,979,335).

Freeman et al. disclose a dolly (Fig. 1) on which a load can be carried. Freeman et al. do not disclose the claimed wheels. Samuel teaches wheels (G) having an external peripheral surface comprising a plurality of rectangular spaced projections and recesses therebetween (see h). The projections are able to enter troughs (X) defined between ridges of a corrugated support surface (A).

Freeman et al. disclose a method of loading goods on the dolly and loading the dolly onto a vehicle, wherein said vehicle is a railway wagon (see column 1, lines 15 – 21). Freeman further discloses coupling said dollies together to form a train. Freeman further discloses a method of securing the dollies on a wagon by engaging retaining devices (70, see column 4, lines 45 – 50).

Saxton et al. disclose a railway wagon (Fig. 9) for motor vehicle transportation. Said wagon has a corrugated floor surface (see 100, 104, 106).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the dollies disclosed by Freeman et al. with the wheels and corrugated support surface taught by Samuel to improve traction between the dollies and the support surface. It would have been obvious to incorporate said corrugated support surface into a railway wagon as shown by Saxton et al., as contents of a railway wagon are likely to shift, and therefore improved traction is desirable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is (571)272-5830. The examiner can normally be reached on Monday - Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

/K. M./
Examiner, Art Unit 3618